

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALEXSAM, INC.

Plaintiff,

vs.

SHELL OIL COMPANY, PIER 1
IMPORTS, INC., and METROMEDIA
STEAKHOUSES COMPANY, L.P.

Defendant.

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Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Alexsam, Inc. (“Alexsam”) brings this action against defendant Shell Oil Company (“Shell”), Pier 1 Imports, Inc. (“Pier 1”) and Metromedia Steakhouses Company, L.P. (“Metromedia”), and alleges:

THE PARTIES

1. Alexsam is a corporation organized and existing under the laws of the State of Texas.
2. On information and belief, Shell is a corporation organized and existing under the laws of the State of Delaware, has a principal place of business at 1 Shell Plaza, 910 Louisiana Street, Houston, Texas 77002, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.
3. On information and belief, Pier 1 is a corporation organized and existing under the laws of the State of Delaware, has a principal place of business at 100 Pier 1 Place, Fort Worth, Texas 76102, has designated its registered agent in Texas for purposes of service of process as

Prentice-Hall Corp. System Inc., 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

4. On information and belief, Metromedia is a limited partnership organized and existing under the laws of the State of Delaware, has a principal place of business within this district at 6500 International Parkway, Suite 100, Plano, Texas 75093, has designated its registered agent in Texas for purposes of service of process as Prentice-Hall Corp. System Inc., 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

6. Subject-matter jurisdiction over Alexsam's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

8. On information and belief, each defendant has placed its products and services into the stream of commerce throughout the United States and is actively engaged in transacting business in Texas and in the Eastern District of Texas.

9. Each defendant, either alone or in conjunction with others, has committed acts of infringement within this judicial district, has induced others to commit acts of infringement within this judicial district, and/or has contributed to infringing activities within this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

PATENT INFRINGEMENT

11. On December 14, 1999, U.S. Patent No. 6,000,608 (“the ‘608 patent”), entitled “Multifunction Card System,” a copy of which is attached hereto as Exhibit A, was duly and legally issued to the inventor, Robert E. Dorf. Mr. Dorf has assigned all right, title and interest in the ‘608 patent to Alexsam, including the right to sue for and recover all past, present and future damages for infringement of the ‘608 patent.

12. On February 20, 2001, U.S. Patent No. 6,189,787 (“the ‘787 patent”), entitled “Multifunctional Card System,” a copy of which is attached hereto as Exhibit B, was duly and legally issued to the inventor, Robert E. Dorf. Mr. Dorf has assigned all right, title and interest in the ‘787 patent to Alexsam, including the right to sue for and recover all past, present and future damages for infringement of the ‘787 patent.

13. Each defendant, either alone or in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘608 patent and the ‘787 patent by making, using, selling and/or offering to sell gift cards, such as through third party retailers, in this judicial district and elsewhere, which in combination with other devices and systems are covered by at least one claim of the ‘608 and ‘787 patents. Each defendant is liable for patent infringement pursuant to 35 U.S.C. § 271.

14. Each defendant’s acts of infringement have caused damage to Alexsam, and Alexsam is entitled to recover from each defendant the damages sustained by Alexsam as a result of the alleged wrongful acts in an amount subject to proof at trial.

15. As a consequence of the infringement complained of herein, Alexsam has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless the defendants are enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Alexsam prays for entry of judgment that:

A. Each defendant has infringed, contributed to infringement of and/or induced infringement of at least one claim of the '608 and '787 patents;

B. Each defendant account for and pay to Alexsam all damages caused by the patent infringement complained of herein;

C. Alexsam be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining the defendants and their respective officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

D. Alexsam be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the defendants' patent infringement;

E. Costs be awarded to Alexsam; and,

F. Alexsam be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Alexsam demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: January 17, 2008

By: /s/ Randy J. McClanahan (Wesley Hill w/ permission)

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